

REMARKS:

The pending claims are previously added claims 45-64. The independent claims are 45, 55 and 64.

In the Official Action dated August 19, 2009, the Examiner rejected claims 52 and 53 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, in particular, the language “extend outwardly toward one another and then tapers adjacent”.

To clarify the invention, the Applicant added the terms “has said ends move towards said index finger rest section ...” to claim 52. To clarify the invention, the Applicant added the terms “has said ends move towards said thumb positioning section” to claim 53. In view of the above, the 112 rejection has been overcome and should be removed.

The Examiner also rejected claims 45-64 under 35 U.S.C. 103(a) as being unpatentable over Gebhart (U.S. Patent No. D373,289) in view of Garon (U.S. Patent No. D476,535).

In response to the rejection and in view of the interview, the Applicant has amended independent claims 45 and 55 to show that the, “said thumb rest section having an outer edge, said outer edge of said thumb rest section having a rim portion around said outer edge, said thumb positioning section and said thumb rest section are each comprised of a different material...”. Applicant has also amended independent claims 45 and 64 to show that the, “said protrusion slopes downwardly and away from said front side and slopes towards said rear end”.

Applicant has further amended independent claim 45 to show that “said protrusion slopes downwardly and away from said front side and slopes towards said rear end, said tapered front end having an elongated front tip end, said front tip end narrows in circumference as it extends away from said thumb positioning section and said index finger rest section, said front tip end has an oval cross section”. Applicant has further amended independent claim 55 to show that “said tapered front end having an elongated tip end, said tip end narrows in circumference as it extends away from said thumb

positioning section, said tip end has an oval cross section". Applicant has further amended independent claim 64 to show that "said tapered front end having an elongated tip end, said tip end narrows in circumference as it extends away from said index finger rest section, said tip end has an oval cross section".

Neither Gebhart or Garon, either alone or in combination with one another, teach, disclose or suggest a thumb positioning section that has a rim and a thumb rest section that is made of a different material. In fact, Gebhart does not have a thumb positioning or rest section and Garon does not have a thumb rest section with a rim. Neither Gebhart or Garon, either alone or in combination with one another, teach, disclose or suggest a protrusion that slopes downwardly and away from said front side and slopes towards said rear end. In fact both Gebhart and Garon have protrusions that slope straight down neither sloping away or towards either end of the handle. Neither Gebhart or Garon, either alone or in combination with one another, teach, disclose or suggest an elongated tip end that has an oval cross section and that is elongated and extends significantly beyond the area of the handle where a thumb would be placed. In fact both Gebhart and Garon have tip ends that abruptly end just beyond the area of the handle where a thumb would be placed.

In view of the above, the Examiner's 103(a) rejections have been overcome and should be removed.

In view of the actions taken and arguments presented, it is respectfully submitted that the present invention is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



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